"I desire to get at the facts whether this defendant is crazy or not," replied Mr Jerome impatiently.

"I have not the slightest objection to this witness producing every letter Harry Thaw ever wrote," responded Mr. Delmas, but I do object, if your Honor please, to a cross-examination that is not a cross-examination. I have not asked this witness as to his opinion whether this defendant is crazy or not.

As the Court inclined to Mr. Jerome's view, it was agreed that Mr. Lyons should send the letters to Court Clerk Penney.

Lawyer Gleason a Wilness

Lawyer John B. Gleason of Thaw's counsel then took the stand. He identified the envelope containing the will and said that he first saw it on December 11, 1906. He examined it and swore that it was in the same condition as when he first saw it, save for the addition of some marks made on it in court for purposes of identification. Mr. Gleason did not entirely escape the pitfalls that the feet of laymen in court sometimes wander into. He was about to answer a question in some detail when be was headed off by Mr. Delmas with a hasty:

"You may answer that question yes or Mr. Jerome wanted to know some things

about the interlineations made in long hand between certain paragraphs of the type-written will. Mr. Gleason restified that most of them were in the handwisting of Harry K. Thaw. One or two others he Harry K. Thaw. One or two others he thought were in the handwriting of Mr. Perkins, the Pittsburg lawyer who drew e testament. The initials "H. K. T:" appear frequently

way of signing this interlined addition the original draft. Evelyn Nesbit Thaw identified most of them as written by her husband, but declared that she thought one of them was not in his hand. Mr. Gleason the not agree with her. He shought they

Evelyn Nesbit Thaw Recalled.

This done, all hands in court began so this conewed interest in what went on, to Evelyn Neshit Thaw was once more called to the stand. She was dressed precestly as on her previous appearances in the witness chair, still wearing the same coutiful gown of blue, the same schoolgirl hat, the same sort of little Lord Fauntleroy coltar and bow of black lawn. She looked, if anything, a trifle paler than before, but her answers to questions were made in touched with just the suggestion of a lisp. Mr. Delmas turned her memory once more to the night when she and Harry Thaw and Truxtun Beale and Thomas McCaleb Hined as the Cafe Murtin within plain sight of Stanford White and his son, a few hours before the shooting.

O You have testified, madam, in your mer testimony that on the evening of the 25th o June, 1908, and while you were at dinner at the Cafe Martin, after having called for a pencil you wrote something upon a slip of paper which was put into your hus band's hands. Am I correct? A. Yes, sir.

"I am authorized, if your Honor please, Delmas, "to call upon the learned Attorney to kindly produce that

"We have an unidentified slip of paper," id Mr. Jerome promptly, "but we do not know whether that is the note referred to not. We will, however, produce it, and I have sent upstairs for it."

Mr. Jerome's change of front since the We will, however, produce

day when Mr. Delmas called on him pub-licly to produce the famous note at first puzzled most people. It was generally concluded, however, that Mr. Jerome foresaw that the Court would ultimately require the note to be produced in any event, and that he might as well yield grace-

There was a wait of a few minutes and then Mr. Garvan entered the court room bringing the note. Mr. Delmas handed it to Mrs. Thaw and proceeded:

The Famous Note in Evidence. Q. Will you kindly state whether that i

the note that you wrote and handed to your husband upon that occasion? A. Yes, sir. Mr. Delmas I offer it in evidence.

evidence:

The Court -No objection. Have it marked

"The paper, gentlemen," said Mr. Delmas, addressing the jury, "reads as follows:

"The B was here a minute ago, but Q. In conversations, madam, between your-

self and your husband who was the person designated by the letter B? A Stanford

Q. Stanford White? You have already stated that the word "blackguard,"

occurs in these letters, refers to the same person? A. Yes, sir.
Q. I take it that "B" was an abbreviation of

Q. It was? Did you ever hear Mr. Thaw refer to any threat made by Stanford White against his life and to his apprehension of danger to his life at his hands? Right here Mr. Jerome jumped in with

an objection. He could not see the relevancy of this sort of testimony to the general vancy of this sort of testimony to the general issue of insanity. Moreover, they were a man's own declarations which it was sought to use in his own defence.

The Court held that if this testimony

was admitted it must be based on the plea of self-defence and governed by the rules of evidence governing that plea.

"Very well," said Mr. Delmas. "Taking up the plea of self-defence, the defendant

eays: 'I was threatened by the deceased; those threats were communicated to me; they created in my mind such an appre-hension that I went and armed myself in order to be prepared for the emergency, and when at the time of the meeting I witand when at the time of the meeting I witnessed a demonstration on the part of the deceased, I had a right to interpret that demonstration in the light of the threat which I had heard he had made."

Mr. Jerome replied that Mr. Delmas's question called for the defendant's own statements.

statements. "Is it conceivable that such testimony

Justice Fitzgerald allowed himself a smile. "It may not be conceivable," he said, "but I don't know any rule on which it is admissible. The declarations of a man in his own interests are not admissible

Mr. Delmas then propounded another long question and Mr. Jerome permitted minself his first insinuation regarding the testimony of little Mrs. Thaw. Said he:

Mrs. Thaw's "Remarkable Recollection." "I submit that this witness, who had disclosed a remarkable recollection, ex-

tending back even to the summer of 1901, should not be led. I object to it."

The Court upheld the District Attorney. Mr. Delmas swung off on another tack. Q. Did you ever see a pistol in Mr. Thaw's possession? A. Yes.

Q. When for the first time? A. I don't exactly remember the date. It was in New York and it was after Christmas eve, 1903. Q. Do you know whether Mr. Thaw carried that pistol anywhere except when he was

in New York? A. No, sir he did not. Q. The name of Miss May McKenzie has frequently been mentioned in these proceedings. I will ask you how long you have known her. A. Since 1901.

Q. Did you ever state anything to Mr. Thaw with reference to a visit that you made to Miss McKenzie at a time when she was ill. in the hospital and when Mr. Stanford White was present? A. Yes.

Mr. Delmas wanted to know what it was, but the District Attorney had no curiosity on that piont—not the slightest. He advanced his old arguments against the introduction of cumulative evidence along this line until further proof of Thaw's in-sanity had been advanced. He insisted that Thaw first be proved in such a condition of insanity that stories of this kind, if they had been told to him, would have

"If your Honor please," said Mr. Delmas by defendant under that rule is placed in a most unfortunate position.

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He endeavors to prove, or his defenders endeavor to prove, his unsoundness of mind in the only way conceivable to them, by his acts, looks and declarations; he endeavors by proving a series of acts and conduct during a period of years to show that at a particular time-a very brief mo ment of time he was of unsound mind, and he is told that the series of acts antedating that particular time. And indeed a series of acts following that particular point of time, are not admissible for the pur pose of establishing the fact that at the particular time he was of unsound mind, and the objection is now made—first prove that you were of unsound mind at that par-ticular point of time and when you have established your whole case—"

The Court interrupted to say that counsel stated the objection too broadly. "Did I understand counsel to say," in-quired Mr. Jerome, "that the contention was that this defendant was of unsound mind only for a very brief and limited period of time?"

"The willing ears," said Mr. Delmas, "of the learned District Attorney may have made him so understand. I was giving an illustration, as every body must have known I was not speaking of this defendant."

He went on to say that the defendant had given the testimony of an expert that he was irrational at the moment of the shooting—here Mr. Jerome smiled, remembering what he had done to Dr. Wiley-and persons had testified to the same effect He thought that was sufficient to make his other testimony apposite.

A Meniton of "The 4te Girl." Delmas went on to make two more futile attempts to obtain testimony along these lines. He asked young Mrs. Thaw if she and her husband, when returning from abroad in 1904 on a steamship belonging to one of the German lines, had a conversation regarding some young woman and Stanford White. He wanted to know about a talk she had with Harry Thaw in Paris regarding some young girl referred to in that talk as "the pie girl." But the Court-ruled all these questions out. Nor did Mr. Delmss have any better luck with his inquiry about what Harry Thaw said to Miss Nesbit when he asked her to marry him and when she accepted him, after hav

refused him repeatedly. There was the same successful objection to the witness's answering a question as to whether she had ever heard Thaw say anything about invoking the activity of the Society for the Prevention of Cruelty to Children in connection with Stanfor

Counsel then showed to young Mrs. Thaw a paper which was marked for iden-tification and which is said to be a formal statement made by Harry Thaw for the guidance of the Society for the Prevention of Cruelty to Children in a case in which Thaw was the complainant but which, for

The witness and Harry Thaw showed it to her in Pittsburg about January 1, 1906, but Mr. Jerome headed her off, with the support of the Court, when she was asked to tell what Thaw told her about the contents of the paper.

Mr. Delmas gave notice that he would

duced testimony to meet the Court's ob

jection to its reception at that time. Counsel said at this time. Your Honor readily perceives from the questions that I have asked of the witness, and from those that I have obviously refrained from asking, that if that broader foundation of expert testimony which your Honor seems to require had been laid, the scope of my examination would extend over a broader field than I have yet covered. I merely ask to know whether, in the event that we supply that which in the discretion exercised supplied as yet, the examination of this witness may be resumed on the subject I

have already indicated. Mr. Jerome conceded the point at once saying: "I think if she has finished on all may be put in now, then, if a proper foundation is laid for it, let her resume her testimony and then be cross-examined on the whole."

On that understanding little Mrs. Thaw was allowed to trip lightly from the stand and a recess until 2 o'clock was ordered;

CHANGE TO EXPERT TESTIMONY. Dr. Wagner and Disputes of Counsel Take

I'p the Afternoon. The order issued in the morning that no women, except those who had business there, should be admitted was adhered to at the afternoon session. A crowd came only to be driven back by the police. All the seats in the court room were filled, but there was no crowding, as William Ricketts, who took charge of things yesterday, saw that no one was allowed in who didn't have a seat.

Without any preliminaries. Mr. Delmas called Dr. Charles G. Wagner, who has been superintendent of the State asylum at Binghamton for fifteen years. He gave a history of his career, saying that he was graduated from Cornell University and the College of Physicians and Surgeons at Columbia University and had been connected with bospitals in this city. He had also been connected with an insane asylum at Utica and had testified at criminal trials before. Every year about 300 insane persons were admitted to the asylum at Binghamton and the average number of inmates yearly

was about 1,500. ____ After Dr. Wagner said that he was on the literature of his profession and Mr Delmas was satisfied that he had qualified as an expert Mr. Delmas asked him if he knew Harry Thaw. Dr. Wagner said he did, that he met him for the first time on August 21 last. Between that time and October 8 he saw him in the Tombs six

"And what was the object of your visits?"

asked Mr. Delmas. "I was requested by his attorney to examine him with a view to dertermining his mental condition at the time he committed this act for which he was under

arrest," said Dr. Wagner. Mr. Delmas started out to ask Dr. Wagner if he had formed an opinion of Thaw's mental condition on June 25, but Mr. Jerome stopped him and said that Dr. Wagner should first state what he had observed about Thaw in the Tombs. Mr. Delmas reframed the question, but it wasn't satis-

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fantory to Mr. Jerome, who wanted to know whether Mr. Delmas was trying to find out Dr. Wagner's opinion of the condition of Thaw's mind on the night of the shooting or at the time he visited him in the Tombs.

Keeping Him Down to What He Observed. There was a little dispute between Mr Delmas and Mr. Jerome, winding up by Mr. Delmas asking Dr. Wagner what he had observed what he saw the first time he went to the Tombs. Dr. Wagner said:

"On the first visit that I made we talked with Mr. Thaw in a general way. I did not attempt to make a thorough examination, but I observed his actions and his manner. I observed that he was suspicious; that he was reticent about answering my questions; that he was apprehensive and that he stated--"

There he was stopped by Mr. Jerome who said that he must not repeat any conversations. Neither should he make any deductions from what was said. All that Wagner could tell was what he had seen Thaw do. Justice Fitzgerald impressed on Dr Wagner that he was not to repeat conversations, and the witness said: "Well, I observed that he was fearful that he would be declared insane and sent to an institution for the care and treatment

After that Dr. Wagner had difficulty in testifying because he wanted to go into

testifying because he wanted to go into the conversations.

The next visit was on September 19, when Dr. Britton D. Eyans went with him. Lawyers Hartridge and Peabody were also there. Dr. Wagner tried to say that the visit was pursuant to some arrange-ment, but Mr. Jerome wouldn't have it. In various ways Mr. Delmas tried to get Justice Fitzgerald. Mr. Delmas fought

ong this line for a long time.
"All this is objected to," said Mr. Jerome armly. "It is an indirect way of trying to work in some declarations made by a sane, in his own interests.

"But," said Mr. Delmas, "facts may consist of physical facts, and there may be what are termed verbal facts."

are termed verbal facts."
Dr. Wagner then got to the point of saying that he saw Thaw in what was called the hospital room in the Tombs.

"Mr. Thaw came into the room." Dr. Wagner said; "greeted us and we stated the object of our visit. Before we had time to go any further Mr. Thaw asked Mr. Hartridge....." time to go any "Now, doctor," said Mr. Jerome reprov-gly. "After all these years of testifying e doctor knows all about the limitations

of evidence [Mr. Jerome turned to Justice Fitzgerald] as well as you and I do. He knows he must not state conversations."
"I myself," said Mr. Delmas, "submit with great deference, supposing that the insanity of a patient

The Court Reproves Delma-"I am not supposing," said Justice Fitz-rald curtly. "I am dealing with a question

gerald curtly. "I am dealing with a question of evidence. Doctor, confine yourself to telling what you observed, not what you said to him or what he said to you. "Am I right in understanding," asked Mr. Delmas with surprise, "that the doctor's testimony is limited to what he observed with his eyes—that is, merely the physical facts which he saw—that that is

ncluded within the word 'observed,' and that he may not state-"I cannot be interrogated every minutes as to what counsel understands," said Justice Fitzgerald. "I don't know."
"Then, doctor," said Mr. Delmas. "state in the best way you can what you ob-

"After I had been in the room for about five minutes," said Dr. Wagner, "Mr. Thaw turned on his heel-turned about and left the room abruptly, notwithstanding that we were there, as he plainly understood, examine him

The last part of the answer was stricken out at Mr. Jerome's request. It was evi-dent from what Dr. Wagner disclosed that Thaw didn't think much of the scheme to examine him

examine him.

There was, another long discussion as to how far Dr. Wagner could go in his testimony. He was again told, and Mr. Delmas was informed of the same thing, that he couldn't go beyond the telling of what he had seen. Mr. Jerome kept up a fire of objections and explanations of how far the witness could go. He added. witness could go. He added:

"I do not want the witness misled, nor do I want the record to show any misapprehensions about my objections."
If they want to get their exceptions

they have got to get them properly, "said Justice Fitzgerald. "I cannot help what counsel (Mr. Delmas) states. The record shows how I have ruled. tice Fitzgerald called for the decision in the Hawkins case bearing on the subject

in question. Then followed another mixup After reading over the decision Mr. Delmai held that the doctor's testimony about conversations with Thaw was admissible. He read the decision and argued on it at length, but Justice Fitzgerald argued

against him.
"I think I can simplify this matter in one way," said Mr. Jerome. "They put this witness on the stand as an expert that examined Thaw a number of times. The point here, of course, is not as to Thaw's sanity at the time this witness examined him, but as to whether or not he was sand or not at the time he killed Stanford White Now if this gentleman is of the opinion, and will swear to it now, that on September 19, when he saw Harry Thaw in the Tombs, that Harry Thaw was then and there insane and of unsound mind why of course will withdraw my objection."

Delmas Forced to Give to.

Mr. Delmas would not consent to any such proposition. He said that he didn't know what the condition of Thaw's mind was on that date. One way of finding was by hearing the conversations Mr. Jerome persisted in his objections and Justice Fitzgerald upheld him. Mr. Delmas then gave it up and Dr. Wagner told of his next visit to the Tombs, a few

"It was about 10 o'clock in the morning, said Dr. Wagner. "After some delay owing to a misunderstanding about my Evans into the same hospital room. The examination consisted of questions I asked him and answers he made to those ques-

"Were the questions which you put and "Were the questions which you put and the answers which were made nocessary from a scientific point of view in order to enable you to ascertain the then condition of the defendant?" asked Mr. Delmas.

"Yes, sir," said the witness.

Mr. Delmas wanted the questions and answers, but Justice Fitzgerald wouldn't him tell them. Dr. Wagner went on let him tell them. Dr. Wagner went on with his story.

"I had the defendant placed in a room," he said, "where the light from a window might fall directly upon him, in order that I might see him clearly. As I stated before, Dr. Evans was with me. I observed that Mr. Thaw watched us very closely. If either one of us got slightly out of range of his vision he immediately altered his position so as to keep both of us closely under his observation. This examination, was again along certain lines with a view

was again along certain lines with a view determining "
Mr. Jerome again interrupted the witness. He didn't want to hear anything about the view on which the examination was conducted. The doctor said that there was no way of him explaining, except to say that certain questions were asked and answers made for the purpose of finding out Thaw's life history. Dr. Wagner was

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not permitted to tell what of Thaw's me history was disclosed at that examination. Five days later he saw Thaw again. "The examination this time," he said, "consisted of noting the color of his hair, the general contour of his head, expression of his face, the condition of his lungs, the condition of his heart, the condition of his reflexes, the state of his pulse, the strength

Q. By Mr. Delmas, I will ask you if from he examination you made at that time during those six visits, if they were in your opinion, as an expert, sufficient to enable you to form an opinion as to the then mental condition of the defendant? A. I did form such an

to the then mental condition of the defendant sufficient to enable you scientifically to deter on June 25 preceding. A. Yes, sir.

Jerome Analyzes Expert's Opinion.

"And what, in your opinion, was that mental condition?" was the next question from Mr. Delmas. Mr. Jerome then got a chance to examine the witness before he answered.

"Your opinion," said Mr. Jerome, "that you, have been called upon to express as to the mental condition of this defendant on June 25, and also on the six times that you examined him. Is that opinion based partly upon hearsay matter that was told you about the family history?"

"I took into consideration both things."

"I took into consideration both things, said Dr. Wagner.
"So that opinion," continued Mr. Jerome.
"is in part based upon matters that have not been given here in evidence?"
Mr. Delmas objected, saying Mr. Jerome

tion, but this time he made a mistake and said four instead of six visite to the Tombe. Mr. Delmas was getting very technical. Mr. Jerome went over it again with the witness, making him admit that his opinion was partly based on facts not allowed in evidence, and then objected to the witness answering Mr. Delmas's question.

"It would not be ingenuous on my part to urge the question," said Mr. Delmas, "in view of the cross-examination. Your Honor having excluded what was said, the witness basing his opinion in part on what was said, obviously upon that mere statement, I cannot insist on his giving

statement, I cannot insist on his giving his opinion, if it is based upon what your Honor has not admitted. I shall have to pursue a much longer course of question-ing which will lead ultimately to the same

thetical question was in sight. First Mr. Delmas wanted a little rest. He said there was a lack of air in the room—manifestly no air—which accounted for the fact that everybody was tired out long before ad-

"There is no argument needed to con vince the Court of that," said Justice Fitz gerald, and an adjournment was taken for five minutes. Mr. Jerome went out in the corridor to smoke a cigarette.

in return, but did not respond to the prof "Why don't you take my hand?" asked Dr

Evans "Oh, I'll take you hand," said Mr. Jerome taking it, but not very warmly.
"Why did you refuse to take my hand?"
continued Dr. Evans.

truth telling man. "I don't think that you are a gentleman." aid Dr. Evans, but Mr. Jerome turned his

It was recalled that Dr. Evans was a ness for the defence in the Josephine Ter-ranova case. It is said that that was the only time Mr. Jerome has seen him. Mr. Jerome would make no explanation of his remark to Dr. Evans, except that it it was forced upon him and that it was simply his opinion. Dr. Evans will be a witness

that was going on Mr. Delmas descried his colleagues, went inside of the rail and had a talk with Mr. Jerome. It took the doctor just eighteen minutes to read the letters, and gave Justice Fitz-gerald a chance to get rid of some of his private mail. It was said that it was bungling work on the part of the defence, as the letters should have been read before Dr. Wagner went on the stand. But at last Dr. Wagner got through. Mr. Delmas fired his hypothetical question. With the exception of referring to a few bits of testimony he didn't have a note. He prepared the question in his mind as he went along, never making a slip or having to reconstruct a sentence. This was the question:

June last in his thirty-sixth year; that one of his uncles was insane, and that he, when he himself was a child, suffered from the ordinary so-called children's diseases and such affections as children are subject tothat is, through measles, mumps, whooping cough, St. Vitus dance and scarlet fever: that he was always of a highly nervous the nurse had to nurse him a good part of the night—so that there had been different sometimes, two nurses or his mother would have to take care of him part of the ime-that he had been subject to St. dance for a period of some weeks; that St Vitus dance, as you well know, is a nervous affection characterized by nervous move ment of the extremities, jerks and twitchings of the extremities and face, and during his attacks there was what is called strabismus, or crossing of the eyes, and he looked like child whose eyes were perfectly crossed meaning turned in toward the nose: he was of a highly nervous condition and of neurotic temperament.
Assume that the subject whose history

made formal offer of his hand to her-

affinence and his family occupying, both in this country and in England, a social position which, as the phrase goes, was enviable; that she declined his suit, and upon being pressed for the reason for so declining, in-formed him that when she was about 16 years old a certain man in the city of New York had introduced himself into her life, com-ing in at first in the guise of a benefactor, he being a man already somewhat advanced in years, whose general attention denoted the utmost respect for her tender years and the utmost solicitude for her welfare and preservation from all contamination hat, having thus introduced himself into her life, he displayed before her childish fancy, she having been brought up in poverty, having often known with her mother and brother the want of food and having gone hungry, all nificently furnished and upholstered, and that after he had thus established his position in the family of the child he had persuaded the mother ithe only natural protector left to her the father having died) to absent herself from the city of New York, where they all lived, and to go to the city of Pittsburg, which had been their former home, promising to care for the child during her absence as if he had been her father, to protect her from harm, assuring that it was his singular good fortune that she could during her absence, leave the child in his care, as she would be perfectly safe; that he had impressed upon the child strenuously and strongly that she should meet no of her companions, should be introduced to no one else, and that if she made the acquaint ance of any one she should report to him, so that he might determine upon the propriety of the acquaintance and encourage or discourage it as the case might require, and that apartments and there, by means of a strong drug administered to her, rendered her insensible and ravished her while in that condition into the most profound grief, that he moaned and sobbed and exclaimed. "Oh. my Oh, my God," and that they remained both of them crying and bemoaning the past during the rest of that day and during the whole of the following night, that after they returned from Europe this young woman came back to New York, that this young followed soon after, and was informed after his return that the same man who previously caused her ruin in hat I have described to you had laid a plan conceived a scheme, to get her back into his hands by defaming the name and the character of the young man by stories of the most defamatory and scandalous character, and that he had so far effected his purpose that the young woman declined to see the young man, telling him that he was no fit comsucceeded in returning into the life of the young woman, and on Christmas eve, 1903, had succeeded in preventing her going to a entertainment with this man, and that thereupon this man had threatened his life, and that the threat had been communicated; that during the interval of their esestrangement, from the time she returned rom Europe until Christmas eve, 1903, the letters which you have read, marked exhibit A to exhibit I, have been written by him, expressing his feelings, sentiments and emotions hat are there contained; that he persevered in his suit, and that afterward through the intercession of relatives succeeded in winning her consent to marry him on the 4th of April, 1905, and that after travelling with her in the western part of the country for a short time had returned to Pittsburg, and there made mother's home; that during a few visits to New York which had followed the same man who had caused her ruin, he was advised, was seeking to establish communications with her, and that every time the husband was informed of these attempts on the part of this man to renew these relations it plunged him into great grief and caused great mental during a visit they made to New York, while they were seated at dinner in one of the public restaurants of this city, this man made his appearance, visible to the young wife, but not visible to the husband, stayed for a considerable length of time and then departed that she wrote to her husband upon a slip of paper the words "b has been here"-meanby the word "b" blackguard, which was the word commonly used between them to designate this person "the b has been here

but has gone away"; that afterward, the dinner

being over, the young husband and his wife.

place of public entertainment in this city.

called the Madison Square Roof Garden: that the husband's demeanor during the

time that they were there was not noticeable

by any unusual condition or state of agitation and that before the play was over, finding

the performance was tedious and uninterest

ing, the parties had arisen from their seats

and were proceeding toward the exits, the

young wife and a friend of the husband being

n the lead, the husband following behind with the other friend, and when they came

the elevator the young husband's eves had

restaurant but an hour or more before, and

he armed himself and which he carried when

man lived, and in which he had made threats

against his life, fired three shots, two o

which were fatal, then raised the pistol

inloading it by opening the other cartridges,

illustrating), both hands, and with the ut-

most coolness and deliberation walked away

from the killing, holding the pistol by the

barrel with the butt upward, and when he

reached his wife said to her, kissing her

agitation; that his step was slow and meas

ured, his countenance pallid, his eyes started

from their sockets; and after he had then

directions for a telephonic communication

sissed his wife and gave her assurance, gave

o some of his relatives, I ask you, doctor,

to state upon these facts, and the light that

hese letters shed upon his mental condi-

tion, what, in your opinion, was the con-dition of the defendant, assuming him to be

question at the time the fatal shot was fired?

Jerome Prunes the Question.

It was all out. Mr. Delmas had practically summed up the case of the defence for the jury. His manner was graceful and easy. But Mr. Jerome wasn't satisfied. He didn't like the question. He objected that the testimony showed that Thaw's uncle was of "unsound mind" and not "in-

of the question which made White atte

or the question which made white attempt to renew relations with Evelyn Nesbit after her return from Europe. There was no such testimony, Mr. Jerome said, nor was there anything about White turning around

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the person that I have referred to

I have saved your life;" that he manifested

spread out his hands toward the audience

was in the city of New York, where this

thereupon he had walked toward

suddenly lit upon the form of this man whom

her and had subsequently endeavored to sever the bonds which existed between the man who subsequently became her husband and herself by poisoning her mind both by stories told by himself against the young man and by stories told by men who, she understood, came from him, and that this same man after the marriage when she came to New York in passing her in Fifth avenue exclaimed, 'Oh, Evelyn,' and then upon another occasion when she was going to her physician in a cab, he going in the opposite direction in a cab o him. I looked out of the way and I turned in East Thirty-third street, and theh ansom urned, and as I got out of the bansom and rar

Q. By Mr. Delmas—Now I will ask you if, in your opinion, this defendant, at the time he fired the fatal shot, knew the act was wrong? A. In my opinion he did not. Q. I will ask you if, in your opinion, his failure or incapacity to know that the act was

Q. He was then, in your opinion, doctor, laboring under such a defect of reason as not to know the act was wrong? A. That is

When Mr. Delmas started reading his question the three experts for the prose-cution—Drs. Mabon, Flint and MacDonald came into court. They frequently consulted

with Mr. Jerome.

Mr. Jerome said he was not ready to cross-examine Dr. Wagner. He had no assurance, he said, that other testimony relating to the history of the Thaw family might not be introduced and he might want to question the witness about it. Mr. Delmas said he could give no assurance that Dr. Wagner would not be called again by the deferors on that same subject. So there defence on that same subject. So there was no protest from Mr. Delmas against the cross-examination of Dr. Wagner

It was then within fifteen minutes of the regular adjournment time and Mr. Delmas asked if Dr. Evans, the other expert, could read the letters over night and save taking up the time of the court. Mr. Jerome agreed to the proposition, but Justice Fitzgerald

anything for the convenience of counsel, yet at the same time the jury is subjected to a good deal of hardship and are kept away from their homes and business. I hope that counsel will endeavor, so far as possible, to have their witnesses here and possible, to have their witnesses here and proceed with the trial as rapidly as possible."

Mr. Delmas said that the expectation that the defence would be carried out for weeks was fallacious. He hoped to get through in two days. Mr. Jerome asked if Mr. Delmas would supply the names of the experts to be called and Mr. Delmas said Dr. Evans and Dr. Hammond. It was also announced that Mrs. William Thaw would go on the stand to-day.

Ministers Want All the Testimony Printed. PROVIDENCE, R. I., Feb. 11 .- On the ground that failure to make public all the testimony in the trial of Harry K. Thaw would mean to lose the effect of "the greatest moral lesson of the age," the evangelical ministers of Providence at their union meeting in the Y. M. C. A. building to-day went on record as unanimously favoring all the publicity possible concerning the proceedings in the trial.

Sulmer Hobson is Here From Ireland to Expound It in Lectures .

ecturing tour. His object is to explain the scope and intent of the "Sinn Fein" movement in the old country and in his travels in the United States he will go as far westward as the Mississippi Valley.

The Sinn Fein movement is an organized effort to promote Irish literature, education enort to promote Irish literature, education and industry and to discourage emigration of young men and women of Ireland to the United States. It has the support not only of the Catholics of the south of Ireland, but of the Protestant population of the northern section. Some of the most ardent adherents of the Sinn Fein movement are Orangemen.

LINCOLN'S BIRTHDAY

Special

PIANOLA RECITAL

TO-DAY AT 3 P. M. No cards of admission necesary

Soloist, CLIFFORD WILEY, Baritone

HIS HOLIDAY recital is given especially for the benefit of those who through the stress of business, are unable to attend the regular Wednesday and Saturday afternoon recitals. It will be well worth attending, both on account of the character and quality of the program, and also as it will serve to demonstrate the musical pos-sibilities that are to-day open to music lovers, both skilled and otherwise. If it were not for the Pianola and the other instruments, which the Aeolian Co. have so wonderfully developed, those without a musical training could do no more than listen to others play. As it is, thanks to the Pianola, the Pianola Piano, the Orchestrelle, and the Aeolian Pipe Organ, anyone may now enjoy the fascination of personally producing music.

At the close of this Recital, there will be special demonstrations of the new "Themodist," the most important improvement ever introduced in Piano-player construction and which is exclusive with the Pianola and the Pianola Piano.

PROGRAM

Someta Appassionata, Op. 57, Allegro
Assai Beethoven
Planolla.

Planolla.

Necturne, Op. 37, No. 1 G minor, Chopin
Polomise, No. 2 E major Liest

Song of DreamsBrowne MR. WILBY.

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WEBER PIANO USED.

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CARBONIC CARL H. SCHULTZ.

LOOK FOR THE LABEL. GLADDEN SCOFFS JOHN D.S GIFT. Says It is Meant to Influence Courts and

is Plunder Anyway. COLUMBUS, Ohio, Feb. 11.-The Rev. Dr. Washington Gladden, pastor of the First Congregational Church, who led in the movement to prevent churches from accepting "tainted" money, says John D. Rockefeller's gift of \$32,000,000 to the General Education Board has the appearance of an attempt to influence the courts in the cases now pending against the Standard Oil Company all over the country.

"Aside from the magnitude of this gift" said Dr. Gladden to-day, "in what light are we expected to regard it? Is it a benefartion or a restitution?

tion or a restitution?
"It happens that the donor is under "It happens that the donor is under indictment in many parts of the country on the charge of having extorted vast sims from the public. Added to these indictments are the grave charges of the Interstate Commerce Commission, covering many years, of flagitious and nefarious practice by which enormous sums have been wrongfully obtained. If these charges abould be sustained the public would know

should be sustained the public would know that a large part at least of these millions were plunder. In that case the public could not regard this gift as a benefaction. but as an act of restitution.

In any case it would have been more fitting to withhold this transfer until the truth or falsity of these indictments could be established in court. As the case the transaction cannot but wear the of an attempt to influence, through sentiment, action of the courts in the

now pending. It is to be hoped that attempt will not be successful."

of Belfast, Ireland, arrived in New York VAUDEVILLE IN POLITICS. yesterday on the Carmania for an extended Mayor Mark M. Fagan's Brand of Repair licans Will Furnish Fun for Followers

> A vaudeville entertainment will be regular feature of the future monthly meetings of the central Republican commit of Hudson county, organized by Maximark M. Fagan and his New Idea followers Mark M. Fagan and his New Idea followers as a rival to the Hudson county Republicate committee, controlled by Col. Samrel It Dickinson and his friends. The next meating will take place at Elks Hall in Jersey City on the night of February 27.
>
> "We want to make our sessions as unlike the cut and dried meetings of the old committee as it is possible to make them stridgly Judge Frank J. Higgins last evening its our purpose to have some kind of a second

is our purpose to have some kind of a gramme of fun every time the member of the committee get together."

THE EQUITABLE
TRUST COMPANY OF NEW YORK

Capital. 3.000,000 Surplus and Profits, 10,500,000 Interest allowed on daily balances, not permitted to tell what of Thaw's life

reflexes, the state of his pulse, the strength of his hands—one to the other. This was carried on in quite thorough detail for an hour, and the patient feeling exhausted we deferred further examination."

On October 3 another examination was made. The physical examination was gone into again, and also Thaw's family history and the early history of his own case. The last examination was on October 8.

"In these examinations," Dr. Wagner said, "we went into minute detail as to his history and his life record, including the occurrence on the night of June 25, and what he had to say about it."

O. By Mr. Delmas, I will ask you if from

Q. Was the opinion that you formed as

Jerome Analyzes Expert's Opinio

took into consideration both things,

had made a statement and not asked a question. Mr. Jerome reframed the question, but this time he made a mistake and

That was the signal that a long hy

Jerome's Run in With Dr. Evans.

Evans, one of the experts for the defence, came in sight. He nodded to Mr. Jerome and held out his hand. Mr. Jerome nodded

"Well, if you insist upon knowing," said Mr. Jerome, "I do not think that you are a

his wife, he had been advised, had seen at the pulled a pistol from his pocket with which

his opinion. Dr. Evans will be a witness for the defence to-day.

When the session was continued Mr. Delmas handed Dr. Wagner the letters in evidence from Thaw to Mrs. Thaw and his counsel, Lawyer Longfellow. Dr. Wagner said he had heard them read in court, but that didn't satisfy Mr. Jerome, who had the doctor read them all over very carefully.

I will assume, doctor, that the author of these letters was on the twenty-fifth of temperament; that he slept very badly, and

childhood I have given you and whose uncle-maternal uncle-was insane as I have stated to you, in 1901 met a young woman, at that time between 16 and 17 years of age paid honorable court to her and wooed her with a view to marriage; that his suit was declined and that in 1903, she having undergone at that time a serious if not capital operation, he had gone to her bedside with her mother, had knelt by her bed and had with respect kissed her hand: that after that he had prepared a trip to Europe for her; that there, when in a debilitated condition following upon this operation, he had nursed her with the utmost tenderness, carrying went out riding, and carrying her up and down the stairs in his arms (he being a strong man and she at that time a weak young woman light in weight; that in June, 1903, he had social condition at that time being one of

The Hypothetical Question

Il balen, from Trovatore Verdi Accompanied with the Planela. Wedding March, from Feramors. AROUAN PIPE ORGAN. his cab to follow Mrs. Thaw, who was in a cab in Fifth avenue after her marriage. There was a long argument over that. Mr. Jerome contended that there was no evi-dence that White's cab was turned around.

dence that White's cab was turned around.
"Nor is there anything to show" added
Mr. Jerome, "that Stanford White was
not building a house right near Dr. Delavan's." It was to Dr. Delavan's house at
33rd street that Mrs. Thaw was driving.
Mr. Jerome protested against any "fantastic conceptions" of the testimony going
in evidence. Mr. Delmas said he would take
the details and then the doctor could form
his opinion. He put in the question this
assumption: That this same man who had brought about he ruin of this young woman by inviting her to his apartment and there drugged her in the manner I have stated to you, and had ravished

"No such evidence," said Mr. Jerome, and another wrangle ensued. Finally Mrs. Thaw's testimony was read. It was as

up the steps I saw Stanford White coming. Mr. Jerome said it was Mrs. Thaw's han-om that turned. Finally Mr. Delmas som that turned. Finally Mr. Delmas accepted the statement as read and embodied it in the question. Then the witness was cautioned not to give his answer on anything except what was in the question and what light the letters in eviden

The Question Answered.

which he was laboring at the time? A. In my opinion he was laboring under such a defect

my opinion with Mr. Jerome.

While I am perfectly disposed to do

"I object," said Mr. Jerome, "to where the question says insensible by taking a drug, "which tasted bitter and produced "She began to feel drummings and throb-bings in her ears," added Mr. Deimas.
"And then it got dark," said Mr. Jerome.
Mr. Deimas insisted on having the ques-tion stand as to that particular, and Mr. Jerome did not press the point. Then Mr. Jerome objected to the statement that Thaw prevented her from going to a party with White on Christmas eve, 1903. Mr. Delmas agreed to the modification of the question so that it would read that White expected to go with her. xpected to go with her.

Mr. Jerome further objected to that part

THE SINN FEIN MOVEMENT. Bulmer Hobson, editor of the Republic

adherents of the Sinn rein movement are Orangeman.

Mr. Hobson has been actively engaged in promulgating the principles of the movement in Great Britain. His first lecture in the United States will be delivered next Friday evening at the Grand Central Palace.